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FILED

JUN 30 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

11 **PATRICIA C. BARBERA,**

12 **Plaintiff,**

13 **v**

14 **WMC MORTGAGE CORPORATION**

15 **Defendant,**

16 **CAL LAND TITLE COMPANY OF MARIN,**

17 **Defendant,**

18 **SELECT PORTFOLIO SERVICING, INC**

19 **Defendant.**

CASE NO. CV 08-2677 SBA
[Vacate and Remand to Superior Court of
California, County of Marin,
Case No. CV 081763]

**PLAINTIFF BARBERA 'S REQUEST
FOR JUDICIAL NOTICE IN SUPPORT
OF THE ADMINISTRATIVE MOTION
TO SHORTEN THE TIME OF THE
HEARING TO DETER
FRAUDULENT ACTIONS.**

BY FAX

REQUEST FOR JUDICIAL NOTICE

1 Pursuant to Civil Local Rule 6-3, Plaintiff Patricia C. Barbera submits this Administrative
2 Motion to Shorten the Time of the Hearing to Avert Any More Fraudulent Actions.

3 This Administrative Motion is submitted on the grounds that good cause exists for this
4 Court to shorten the time to avert any more fraudulent actions.

5 Accordingly, Plaintiff respectfully requests that this Court grant the instant Administrative
6 Motion. This Motion is based on the following Memorandum of Points and Authorities, the
7 Declaration of Patricia C. Barbera, and the Proposed Order filed and lodged concurrently
8 herewith.

9 INTRODUCTORY STATEMENT

10 On 5/28/08 REEDSMITH filed a Notice of Removal from the Superior Court of Marin
11 County. On that date they knew that their client, WMC MORTGAGE, *had not answered their*
12 *summons, and were in default.* They also knew that they had *waived their right to litigate in*
13 *this case.* Nevertheless, they issued and continue to issue voluminous documents, pleadings and
14 filings which are replete with: *Contempt of Court, Perjury, and Conspiracy* violations.

15 They obtained the approval of Select Portfolio Servicing (represented by WRIGHT,
16 FINLAY & ZAK) and Cal Land Title Company of Marin (represented by THE LAW OFFICES
17 OF DANIEL A. GAMER) into joining and issuing tort documents.

18 In the second page of their Notice of Removal of Action, Christopher Rivas and Scott
19 Jacobs assure and lull this Court that the removal is proper:

20 "1. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT
21 JURISDICTION PURSUANT TO 28 U.S.C. § 1331 AND § 1441"

22 MEMORANDUM OF POINTS AND AUTHORITIES

23 A. Procedural and Factual Background.

24 As described more fully in Plaintiffs Notice of Wrongful Removal and Motion for
25 Remand and Vacate, filed in this Court on June 13, 2008, Defendants have, and continue to
26 commit multiple criminal acts against this Court and the Plaintiff. 2

27 REQUEST FOR JUDICIAL NOTICE

28

1 Plaintiff contacted Christopher Rivas by fax and Glenn Kabanuck by phone and received
2 negative responses from both.

3 As a result, Plaintiff has no choice but to file this Administrative Motion to Shorten the
4 Time of the Hearing to Deter Fraudulent Actions.

5 **B. LEGAL ANALYSIS**

6 Civil Local Rule 6-3 authorizes this Court to enlarge or shorten time upon the noticed
7 motion of any of the parties, so long as the Motion:

8 “(1) Sets forth with particularity, the reasons for the requested enlargement or shortening
9 of time;

10 (2) Describes the efforts the party has made to obtain a stipulation to the time change;

11 (3) Identifies the substantial harm or prejudice that would occur if the Court did not
12 change the time; and

13 * * *

14 (5) Discloses all previous time modifications in the case, whether by stipulation or Court
15 order;

16 (6) Describes the effect the requested time modification would have on the schedule for
17 the case.”

18 *See Civ. L.R. 6-3*

19 Pursuant to the above-referenced requirements in the Civil Local Rule 6-3, Plaintiff states
20 that: (1) That She requires a shorter time for the hearing to deter any more fraudulent actions;
21 (2) Plaintiff contacted Christopher Rivas by fax and Glenn Kabanuck by phone and received
22 negative responses from both; (3) without such shortening, Plaintiff will suffer substantial harm
23 and prejudice, on the basis that decisions and orders will occur by an unknowing Court. Plaintiff
24 also notes that the shortening will give the Court a view of the case at the earliest time, and
25 benefit the Public at Large.

1 Further, under Civil Local Rule 6-3, Plaintiff states that: (5) Defendants obtained a Court
2 Order for an extension of time on 06/11/08; (6) the requested shortening will not affect any
3 scheduled hearings, motions or deadlines in this case.

4 **C. CONCLUSION**

5 For the reasons stated above, Plaintiff respectfully request that the Court grant Plaintiff the
6 instant Administrative motion.

7
8 DATED JUNE 30, 2008



PATRICIA C. BARBERA